

WHAT IS CLAIMED IS:

1. A computer-based method for managing the use of intangible assets of a business enterprise, comprising:

a) providing a computer estimate of one or more sources of future cash flow

5 expected to be generated by one or more intangible assets of the business enterprise;

b) collecting and pooling rights to receive said cash flow(s) over a pre-determined time period;

c) transferring said rights to at least one special purpose legal entity in a manner that effectively removes the respective cash flow(s) from the business enterprise's bankruptcy

10 estate;

d) granting by the special purpose entity of the rights to use said one or more intangible assets to an operating entity, in exchange for royalty payments, wherein the grant of rights comprises target performance and default provisions; and

e) monitoring the operating entity for compliance with the grant of rights.

15 2. The method of claim 1, wherein the computer estimate is based on historical data related to the use of said one or more intangible assets.

3. The method of claim 1, wherein said one or more intangible assets comprise a portfolio of one or more patents.

20 4. The method of claim 1, wherein said one or more intangible assets comprise a portfolio of one or more trademarks.

5. The method of claim 1, wherein said one or more intangible assets comprise a business brand.

25 6. The method of claim 1, wherein step (a) comprises generating a computer model of revenues derived from the intangible assets and projected over the pre-determined time period in one or more geographic locations.

7. The method of claim 6, wherein step (a) further comprises comparing the generated computer model to historical data associated with the use of similar intangible assets by one or more business entities.

30 8. The method of claim 7 further comprising the step of correcting the computer model based the comparison.

9. The method of claim 1, wherein the step (b) of collecting and pooling rights to receive said cash flow(s) is performed based on the provided computer estimate of said one or more sources of future cash flow.

10. The method of claim 1, wherein step (c) comprises the step of business restructuring designed to create the at least one special purpose legal entity, and at least one operating entity.

11. The method of claim 1, wherein step (c) is accomplished by means of a true
5 sale.

12. The method of claim 11, wherein proceeds for the sale are procured by means of a third-party loan.

13. The method of claim 1, wherein step (c) further comprises the step of forming a special purpose entity designated as a Manager, for managing the transferred
10 intangible assets.

14. The method of claim 1, wherein step (d) is performed by means of an arms-length agreement.

15. The method of claim 1 further comprising the step of granting the rights to use said one or more intangible assets to a separate operating entity in the event of default,
15 triggered in the step (e) of monitoring.

16. The method of claim 12, wherein a third-party lender providing the loan issues securities using said pooled rights as collateral.

17. The method of claim 12 further comprising the step of employing the proceeds from the loan to finance at least a portion of the operating costs of the business
20 entity.

18. The method of claim 12 further comprising the step of employing the proceeds from the loan to re-finance debt obligations of the business entity.

19. An article of manufacture comprising a computer storage medium storing therein computer program instructions, which when executed on a computer provide said
25 computer estimate of one or more sources of future cash flow expected to be generated by the intangible assets in claim 1.

20. A computer-based system for managing the use of intangible assets of a business enterprise, comprising:

a) means for providing a computer estimate of one or more sources of future cash
30 flow expected to be generated by the intangible assets of the business enterprise;

b) means for collecting and pooling rights to receive said cash flow(s) over a pre-determined time period;

c) means for transferring said rights to at least one special purpose legal entity in a manner that effectively removes the respective cash flow(s) from the business enterprise's
35 bankruptcy estate;

d) means for generating an electronic document constituting a licence agreement granting the rights to use said intangible assets to an operating entity, in exchange for license royalties, wherein the grant of rights comprises target performance and default provisions; and

5 e) means for monitoring the operating entity for compliance with the grant of rights.

21. A system for managing the use of intangible assets of a business enterprise, the system comprising a computerized network of devices for:

a) projecting one or more sources of future cash flow expected to be generated by
10 the intangible assets of the business enterprise, the projection being based at least in part on information obtained over a telecommunications network from third-party sources,

b) providing a cash flow estimate expected to be generated by the intangible assets based on the projected one or more sources, and identifying ownership rights associated with the projected one or more sources;

15 c) transferring the identified rights to one or more special purpose vehicles, each in the form of a separate legal entity, in a manner that effectively removes the respective cash flow(s) from the originating entity's bankruptcy estate;

d) issuing securities on behalf of at least one special purpose vehicle, using said pooled rights as collateral; and

20 e) employing the revenue generated from the sale of said securities to finance at least a portion of the operating costs of the business enterprise.

22. The system of claim 21, further comprising means for predicting the likely dollar amount of the future cash flows and the inherent risks of amounts less those cash flows being received.

25 23. The system of claim 22 further comprising means for ensuring that investors in securities of the special purpose vehicle receive the maximum amount possible if cash flows are less than expected, and that they are insured or provided credit enhancement against such risk.

30 24. The system of claim 23, wherein credit enhancements comprise internal or external credit supports or combination thereof, to increase the likelihood that investors will receive the cash flows to which they are entitled.

25. A method for making preparing documentation concerning a computed market-based valuation for at least one intangible asset of a business enterprise, the method including:

directing a digital computer processor to manipulate electrical signals to prepare a document corresponding to at least one intangible asset of a business enterprise being separated from the assets of the business enterprise in accordance with terms in the document, and the document is made by steps comprising

storing in an electronic memory electrical signals representing a computer valuation of future cash flow expected to be generated by said at least one intangible asset; storing in an electronic memory electrical signals representing the identity of a party being granted the exclusive rights to said at least one intangible asset; and printing the document at a printer device operably connected to the computer,

wherein the document comprises at least two of the following: the identity of a legal entity designated to manage said at least one intangible asset to generate license revenues; the amount of license revenues to be generated from said at least one intangible asset over a pre-determined period of time; manufacturing and sourcing terms indicating obligations to manufacture and distribute products under a license to the rights of using said at least one intangible asset; and default provisions.

26. The method of claim 25, further comprising the steps of controlling the digital computer processor to manipulate electrical signals to prepare a second document corresponding to a financing agreement associated with the at least one intangible asset of the business enterprise, said second document comprising at least two of the following: the identity of a legal entity providing financing in exchange for a first priority lien on the at least one intangible asset; the terms of the financing agreement over a predetermined period of time projected in the future; and default provisions.

27. A computer-based method for optimizing the use of intangible assets associated with a third-party business enterprise by a lender, comprising:

a) providing a computer estimate of the present value associated with at least one intangible asset of the third party;

b) transferring assets corresponding to the provided computer estimate to a first special purpose legal entity in a manner that effectively removes the transferred assets from the lender's bankruptcy estate;

c) effecting the transfer of rights in the at least one intangible asset of the third party to at least one third-party special purpose legal entity in a manner that effectively removes the asset from the third-party enterprise's bankruptcy estate;

5 d) financing the third-party special purpose entity in exchange for a first priority lien on the at least one intangible asset; and

e) establishing a transaction waterfall, wherein proceeds from licensing rights to the use of the at least one intangible asset are provided to the first special purpose legal entity.

28. The method of claim 27, wherein the computer estimate is based on historical data related to the use of the least one intangible asset.

10 29. The method of claim 27, wherein the at least one third party intangible asset comprises a portfolio of one or more patents.

30. The method of claim 27, wherein the at least one third party intangible asset comprises a portfolio of one or more trademarks.

15 31. The method of claim 27, wherein the at least one third party intangible asset comprises a business brand.

32. The method of claim 27, wherein step (a) comprises generating a computer model of license revenues derived from the at least one intangible asset and projected over the pre-determined time period in one or more geographic locations.

20 33. The method of claim 32, wherein step (a) further comprises comparing the generated computer model to historical data associated with licensing similar intangible assets by one or more business entities, and correcting the computer model based the comparison.

25 34. The method of claim 27, wherein step (c) comprises the step of business restructuring designed to create the at least one third-party special purpose legal entity, and at least one third-party operating entity.

35. The method of claim 27, wherein step (c) is accomplished by means of a true sale to the third-party special purpose legal entity.

30 36. The method of claim 27, wherein step (c) further comprises the step of forming a special purpose third-party entity, designated as a Manager, for managing the transferred intangible assets.

37. The method of claim 27, wherein step (c) is performed by means of an arms-length license agreement.

38. The method of claim 28 further comprising the step of granting the rights to use said intangible assets to a separate operating entity in the event of default.

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39. The method of claim 27, wherein the first special purpose entity issues securities using rights in the at least one intangible asset as collateral.

40. The method of claim 27 further comprising the step of employing the proceeds from the financing step (d) to re-finance debt obligations of the third-party entity.

41. An article of manufacture comprising a computer storage medium storing therein computer program instructions, which when executed on a computer provide said computer estimate of one or more sources of future cash flow expected to be generated by the intangible assets in claim 27.

42. A computer-based system for optimizing the use of intangible assets associated with a third-party business enterprise by a lender, the system comprising a computerized network of devices for:

a) providing a computer estimate of the present value associated with at least one intangible asset of the third party, the estimate being based at least in part on information obtained over a telecommunications network from external information sources;

b) transferring assets corresponding to the provided computer estimate to a first special purpose legal entity in a manner that effectively removes the transferred assets from the lender's bankruptcy estate;

c) effecting the transfer of rights in the at least one intangible asset of the third party to at least one third-party special purpose legal entity in a manner that effectively removes the asset from the third-party enterprise's bankruptcy estate;

d) financing the third-party special purpose entity in exchange for a first priority lien on the at least one intangible asset; and

e) establishing a transaction waterfall, wherein proceeds from licensing rights to the use of the at least one intangible asset are provided to the first special purpose legal entity.

43. The system of claim 42, further comprising means for predicting the likely dollar amount of the future cash flows and the inherent risks of amounts less those cash flows being received.

44. The system of claim 42 further comprising means for issuing securities on behalf of the first special purpose vehicle, using as collateral rights in the at least one intangible asset of the third party.

45. The system of claim 44 further comprising means for ensuring that investors in securities of the special purpose vehicle receive the maximum amount possible if cash flows are less than expected, and that they are insured or provided credit enhancement against such risk.

46. The system of claim 45, wherein credit enhancements comprise internal or external credit supports or combination thereof, to increase the likelihood that investors will receive the cash flows to which they are entitled.

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